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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,575	11/20/2001	Philippe Bernadat	10010857-1	3496

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER	
WILSON, YOLANDA L	
ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,575

Applicant(s)

BERNADAT ET AL.

Examiner

Yolanda Wilson

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,12 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,4,6-11 and 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

SECOND ACTION NON-FINAL

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,17 are rejected under 35 U.S.C. 102(e) as being anticipated by Frey, Jr. (USPN 6530036B1), further known as Frey. As per claims 1 and 17, Frey discloses allocating memory objects in response to memory allocation requests, each object having an associated a plurality of addresses; storing type-identifier codes in association with memory objects, respectively; and responsive to a transient memory error at a memory address, identifying the memory object associated with the memory address, obtaining the type-identifier code associated with the memory object, selecting one of a plurality of recovery actions using the type-identifier code as selection criteria, and performing the one of the recovery actions in column 10, lines 17-56; column 9, line 53 – column 10, lines 12.

3. As per claim 2, Frey discloses storing the type-identifier codes within the memory objects, respectively in column 10, lines 17-31.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey, Jr. in view of Cohen et al. (USPN 6701451B1). As per claims 5 and 12, Frey, Jr. fails to explicitly state the one of the recovery actions comprises disregarding the error.

Cohen et al. discloses this limitation in the abstract, "The error-correction utility uses this information to determine, with a minimum of human intervention, which data errors to repair and which to ignore."

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have one of the recovery actions comprise disregarding the error. A person of ordinary skill in the art would have been motivated to have one of the recovery actions comprise disregarding the error because disregarding an error allows the computing system to remain operational. Cohen et al. discloses in column 1, lines 27-31, "It is not the case that every data error identified by the scanning utility will be repaired by an error-correction utility. In some cases, a data error is so severe that it cannot be repaired at all. In other cases, repair of a particular data error can result in other, more serious errors."

Response to Arguments

6. Applicant's arguments, see pages 7-11 under the Remarks section, filed 10/04/2004, with respect to claims 3,4,6,7,8,9,10,11,13,14,15,16 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

7. Applicant's arguments filed 10/04/2004 concerning claims 1,2,5,12,17 have been fully considered but they are not persuasive. As per claims 1,2,17, Applicant discloses in the 'Remarks' section on page 9 that 'Frey teaches storage management as in network file systems. Frey uses the term 'memory' to refer to storage such as magnetic disks, magnetic tape and optical media... 'Memory' as commonly used in the art refers to the RAM memory managed by the operating system, not storage.'

Examiner respectfully notes Applicant's view on the common meaning of memory, but storage is also a type of memory; therefore, if RAM is the desired type of memory it needs to be claimed as such.

8. As per claims 5 and 12, Applicant discloses in the 'Remarks' section on page 9 'The asserted reason is that disregarding an error would allow the computing system to remain operational. However, if an error is so severe that repair could result in more serious errors..., then allowing the computer system to remain operational would seemingly risk further corruption of data.'

Examiner respectfully disagrees with Applicant. The mere fact that an error is ignored is for any number of reasons. The reasons disclosed in column 1, lines 30-35 are a couple of reasons. As stated in column 1, lines 35-38, it is up to the human

operator to determine if the error is to be corrected or not and to filter out the criteria needed to decide.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yolanda Wilson
Examiner
Art Unit 2113

YLW


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